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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,543	01/18/2001	John Spinks	2983.2.1	9442

7590 06/28/2004

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EXAMINER	
PHILLIPS, HASSAN A	
ART UNIT	**PAPER NUMBER**
2151	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/764,543	SPINKS ET AL.	
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 May 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement (IDS) filed May 14, 2001, has been received and considered by the Examiner.

Drawings

1. The drawings filed on May 21, 2001, have been received and considered by the Examiner.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "52" has been used to designate both an individual node and a group of nodes. The Examiner suggests changing the reference numeral for either the individual node, or the group of nodes, to a reference numeral that has not yet been used. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The abstract of the disclosure is objected to for its undue length. Correction is required. See MPEP § 608.01(b).

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Nakamura, U.S. patent 6,721,818.

3. In considering claims 1 and 10, Nakamura teaches an apparatus and article of manufacture for physical detection and tracking of devices on a computer network, the apparatus comprising:

a) A processor, for executing executable data structures, and a memory device operably connected to the processor for storing the executable data structures and associated operational data structures, (col. 2, lines 5-13); the executable and operational data structures comprising:

b) A reporting module configured to query a network infrastructure device and obtain end point information corresponding to a first network device, and a correlation module configured to associate the end point connection information corresponding to the first network device to a location identifier corresponding to a physical location, (col. 2, lines 44-56).

4. In considering claims 2 and 11, Nakamura teaches the connection information comprising a port number. See col. 10, lines 35-41.

5. In considering claims 3 and 12, Nakamura teaches the reporting module comprising a communication module configured to transmit the end point connection information to a central database. See col. 16, lines 66-67, col. 17, lines 1-32.

6. In considering claims 4 and 13, Nakamura teaches the reporting module further comprising an update module configured to detect a change of end point

connection information corresponding to the first network device. See col. 9, lines 57-67, col. 10, lines 1-2.

7. In considering claims 5 and 14, Nakamura teaches the reporting module further comprising an inventory module configured to detect a second network device local to the first network device and obtain end point information corresponding to the second network device. See col. 10, lines 51-53.

8. In considering claims 6 and 15, it is inherent that the apparatus and article of manufacture taught by Nakamura comprises a monitoring module configured to receive end point connection information from the reporting module. See col. 9, lines 57-67, col. 10, lines 1-2.

9. In considering claims 7 and 16, Nakamura teaches the correlation module further comprising a device recognition module configured to identify the nomenclature of the first network device based on product recognition records. See col. 19, lines 66-67, col. 20, lines 1-14.

10. In considering claims 8, 9, 17, and 18, the apparatus and article of manufacture taught by Nakamura further provides a means for the inventory module to detect and transmit software and hardware configuration information corresponding to a first or second network device. See col. 2, lines 5-13.

11. In considering claim 19, Nakamura teaches a method for physical detection and tracking of devices on a computer network, the method comprising:

a) Querying a network infrastructure device to obtain end point connection information corresponding to a first network device, (col. 2, lines 44-56);

b) Reporting the end point connection information to a central database, (col. 16, lines 66-67, col. 17, lines 1-32);

c) Associating the end point connection information corresponding to the first network device to a location identifier corresponding to a physical location, (col. 17, lines 62-67, col. 18, lines 1-45).

12. In considering claim 20, Nakamura teaches the connection information comprising a port number. See col. 10, lines 35-41.

13. In considering claim 21, Nakamura teaches the central database comprising device records storing end point connection information corresponding to network devices. See col. 19, lines 66-67, col. 20, lines 1-4.

14. In considering claim 22, it is inherent in the method taught by Nakamura that upon detecting a change of end point connection information corresponding to the first network device, updating the central database to reflect the change. See col. 9, lines 57-67, col. 10, lines 1-2. Also see col. 16, lines 66-67, col. 17, lines 1-32.

15. In considering claim 23, Nakamura teaches detecting a second network device local to the first network device and obtaining end point information corresponding to the second network device. See col. 10, lines 51-53.

16. In considering claim 24, Nakamura teaches identifying the nomenclature of the first network device based on product recognition records stored in the central database. See col. 19, lines 66-67, col. 20, lines 1-14.

17. In considering claims 25 and 27, the method taught by Nakamura further provides a means for detecting software and hardware configuration information corresponding to a first or second network device. See col. 2, lines 5-13.

18. In considering claim 26, Nakamura teaches transmitting the software and hardware configuration information corresponding to the first network device to a central database. See col. 19, lines 66-67, col. 20, lines 1-14.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura, U.S. patent 6,721,818 discloses a method, apparatus, and article of manufacture for physical detection and tracking of devices on a computer network.

Franke et al., U.S. patent 6,507,869 discloses a method and apparatus for asset tracking of network-attached devices.

Saito et al., U.S. patent 6,480,889 discloses scheme for managing devices on a home network according to their physical location.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FRANTZ B. JEAN
PRIMARY EXAMINER

HP/
6/17/04